

CITY OF GRAND MARAIS, MINNESOTA  
CITY COUNCIL RESOLUTION 2018-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAND MARAIS,  
MINNESOTA DENYING THE BERNER PROPERTIES REQUEST FOR A VARIANCE

WHEREAS, the applicant, Berner Properties, requested a variance to construct a 31.5' tall commercial structure, taller than the maximum allowed height of 30' on their property zoned DW Core Downtown Waterfront; and,

WHEREAS, the Planning Commission conducted a public hearing on October 3, 2018, and received public testimony regarding the proposed Variance; and

WHEREAS, all required notices regarding the public hearing were properly made; and

WHEREAS, the Planning Commission has reviewed the request and recommended approval of the Variance: and

WHEREAS, the City Council reviewed the requested variance and Planning Commission recommendation and findings for the requested variance at its meeting of October 10, 2018; and,

WHEREAS, the City Council requested additional information to address inconsistencies in application materials related to the need for the variance; and,

WHEREAS, the City Council reviewed supplementary materials provided by the applicant at their meeting on November 14, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND MARAIS, MINNESOTA, that it adopts the following findings of fact related to the requested Variance:

Criteria #1     **The variance is in harmony with the purpose and intent of the ordinance.**

Finding #1     The additional building height would detract from other existing uses in the zone.

Criteria #2     **The variance is consistent with the comprehensive plan.**

Finding #2     The additional height unnecessarily interferes with the public view corridors that the comprehensive plan recognizes as important in the DW zone due to its adjacency to the harbor and other important public spaces.

Criteria #3     **The proposal seeks to use the property in a reasonable manner not permitted by the zoning ordinance.**

Finding #3a    The additional height is not reasonable as other similar spaces have been viable while complying with the 30' height limit.

Finding #3b A drawing provided to the Council by the applicant's architect portrayed a 30' structure with ceiling heights that were deemed reasonable by the Council and were consistent with heights described in the applicant's initial submittal.

Criteria #4 **The plight of the landowner is due to circumstances unique to the property not created by the landowner**

Finding #4 Other properties have been successfully developed on 25' lots with closely adjacent neighboring buildings.

Criteria #5 **The variance, if granted, will not alter the essential character of the locality.**

Finding #5a The essential character is partially defined by the 30' height limit.

BE IT FURTHER RESOLVED that the Variance to allow Berner Properties to construct a 31.5' tall commercial structure, taller than the maximum allowed height of 30' on their property zoned DW Core Downtown Waterfront is hereby denied.

Passed by the City Council of the City of Grand Marais, Minnesota this 28<sup>th</sup> day of November, 2018.

(SEAL)

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Mayor Jay Arrowsmith Decoux

ATTEST:

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Michael J. Roth  
City Administrator

**EXHIBIT A**

**Legal Description**

Lot 16, except the South 48' thereof, Block 21, Harbor Addition